

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL EVANS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No. 00-0664
	)	
SUPERINTENDENT, STATE	)	Judge Joy Flowers Conti
CORRECTIONAL INSTITUTION	)	Magistrate Judge Amy Reynolds Hay
ROCKVIEW, ATTORNEY GENERAL	)	
OF THE COMMONWEALTH OF	)	
PENNSYLVANIA,	)	
	)	
Respondents.	)	

MEMORANDUM ORDER

AND NOW, this 17<sup>th</sup> day of April, 2006;

The Petitioner has filed a Motion to Re-instate 60(b) Motion, wherein he asserts that he submitted to the Clerk of Court a Motion for Relief under 60(b) (doc. 13), which he was subsequently permitted to and did amend (doc. 17). Thereafter, Petitioner received a notice that his Motion for Relief under 60(b)(doc. 13) was terminated. Through the instant motion he seeks to ensure that his Amended Motion for Relief under 60(b)(doc. 17) is properly filed, there being some confusion on his part as to the termination of his initial motion. Because it appears that his Amended Motion for Relief under 60(b) has been filed of record and the "termination" of Document 13 was an administrative termination prompted by the filing of the amended motion, IT IS HEREBY ORDERED that the instant motion (doc. 21) is DISMISSED as moot.

IT IS FURTHER ORDERED that if plaintiff desires review of this Order by the District Judge to whom this case is assigned, plaintiff must file an application with the Clerk of

Court within ten (10) days of the date of this Order. Failure to do so will waive the right to appeal. Siers v. Morrash, 700 F.2d 113 (3d Cir. 1983).

/s/ Amy Reynolds Hay  
AMY REYNOLDS HAY  
United States Magistrate Judge

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